

## PLANNING COMMITTEE

24<sup>th</sup> MAY 2018

TREE PRESERVATION ORDER REF: 151/924/6  
VILLAGE GREEN, HIGH STREET, WALTHAM ON THE WOLDS

### REPORT OF THE ASSISTANT DIRECTOR FOR STRATEGIC PLANNING AND REGULATORY SERVICES



#### 1. PURPOSE

- 1.1 The purpose of this report is to inform the Committee of one letter of objection received by the Parish Council and to invite the Committee to determine whether or not to confirm the Provisional Tree Preservation Order.

#### 2. RECOMMENDATION

- 2.1 That the Committee considers whether confirmation of the Tree Preservation Order (TPO) is appropriate.

#### 3. DETAIL

- 3.1 Notification was submitted by the Parish Council for the removal of the trees, the reason given; "low amenity value, shading and potential damage to historic village landmark". The Parish Council have proposed to replant with a smaller more appropriate tree, however as the trees are not the subject of any Tree Preservation Order this is not something that can be conditioned by the LPA.
- 3.2 The trees occupy an extremely prominent central location within the village with several Listed Buildings nearby. St Marys Magdalene's Churchyard is Grade I listed and stands to the south-east of the site, in an elevated position. The trees are positioned in a prominent location and present an aesthetically pleasing appearance to the locality

and therefore it was decided to consult LCC Arboricultural Officer for an opinion if the trees could be retained and maintained rather than lost by the proposed felling.

3.3 Within the report it confirms the trees to be young to middle aged, around 35-45 years old, the life expectancy within the UK is unknown as they are a non-native species and a fairly recent introduction to the UK. The report also states "In its native environment (North America) Lawson cypress will commonly live for 400-500 years and reach a mature height in excess of 60 metres (196ft). The species is a recent introduction to the UK (circa 1854) and specimens in the UK have not yet reached maturity or full height (which is often after 200-250 years of growth). As such we cannot be certain how tall they will grow in the UK, but it is widely anticipated that they will attain heights of around 45 metres (147ft). The trees on The Green are approximately 10-12 metres (35ft) tall.

3.4 The trees are situated on an area of land which is in the region of 175 m<sup>2</sup> with a perimeter of 65m<sup>2</sup>. This area not only is home to two Cypress trees but also for a Rowan and a Cherry Tree and in addition the Grade II Listed Pump Station and Telephone Kiosk. The presence of all these factors draw concerns over the future size of the trees when they approach maturity. The location has also been considered by S Marshall;

3.3 **LCC Arboricultural Officer's Report** *"The trees are part of the local conservation area (TCA); they are not subject to a tree preservation order (TPO). Unlike with a TPO there is no requirement to identify a reason for work to trees in a TCA. Likewise there is no requirement to submit supporting evidence (e.g. arboricultural or structural engineers report). The applicant has helpfully provided a reason for the work and raised concern over possible damage to the adjacent structure.*

- *Branches from one of the trees are rubbing on the roof of the structure – although these could easily be removed without the need to fell the tree.*
- *One of the trees is in close proximity to the structure. Whilst there are currently no obvious signs of tree related damage the possibility cannot be ignored, especially as the tree matures and increases in size.*

*It would appear that over the last few decades trees have been present in some form or another on the Village Green – plans dating to 1884 and old historic photographs bear witness to this. However, the trees which are currently on The Green were not present in 1884 and were likely planted in the late 1970's/early 1980's. As such removal of the two conifers, with an intention to replant the area, might not be considered an unreasonable one.*

*I am aware that two other trees have been removed from Village Green in the last few years, although both of these had died and subsequently posed a considered risk to the highway. The two other trees on Village Green (rowan and cherry) are to remain intact.*

*The applicant has proposed planting a strawberry tree (Arbutus unedo). Arbutus is native to the UK, although strictly speaking to Ireland and not England. They are considered to have a hardiness fit for the UK (hardiness zone 7 to 10), however; this does not take account of exposure which might be experienced around Waltham on the Wolds – a factor which would be increased if the two cypresses are removed. Whilst the proposed planting is not part of conditions set for a TCA it may be worth the applicant considering the use of a different species.*

*It is fully understood that removing two trees in a prominent area may cause some concern, as may be seen in relation to the current application. However, I am also led to believe that several notes of concern have been made about the current size and location of the trees. This does help to emphasise how emotive a topic trees can become, something which the tree is oblivious to.*

*In conclusion:*

- Both trees are prominent and healthy specimens.*
- Both trees have an established monetary and amenity value.*
- The request is not unreasonable, taking account of the tree's anticipated size at maturity and possible impact on the surrounding area.*
- Replanting has been proposed should consent to remove the trees be granted.*
- Vegetation on Village Green has changed over the previous 100 years and the current proposal follows a similar theme, i.e. remove and replace trees.*

***It may be prudent for Melton Borough Council (MBC) to consider approving the application. Should MBC feel that the trees are to be retained then a TPO should be made to cover both specimens."***

- 3.5 The comments in respect of the objections received regarding the felling of the trees have to a large extent been addressed within the report of S Marshall.

In total 4 letters of representations were received for the TCA application. The comments are summarised below:-

- High amenity value £2,298 per tree as scored by the Helliwell Amenity Valuation and as such should be worthy of protection
- Highly visible from the Highway and crossroads
- Damage to historic landmark, trees are mature and roots are unlikely to expand to any great degree
- Removal of lower branches would resolve the issue of overhang to monument
- Unsuitability of replacement tree
- Formal request for the implementation of a Tree Preservation Order protecting the trees on their significant amenity value.

The points raised above were forwarded to the Arboricultural Officer and have been responded to within his report and are also covered above.

- 3.6 The formal request to consider a Tree Preservation Order be made was considered and it was felt that in light of the arboriculturalist's advice and all other factors detailed within his report it would be expedient nor justifiable to do so.

- 3.7 Provisional Tree Preservation Order Village Green, High Street, Waltham on the Wolds 151/924/6 was served on the 15th of March 2018

This Tree Preservation Order is currently a Provisional Order and Melton Borough Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 15th September 2018 to reach a decision.

## 4.0 OBJECTION TO ORDER

Objection	Assessment of Assistant Director for Strategic Planning and Regulatory Services
<p>The Parish Council asks that the temporary TPO be lifted and our application 18/00110/TCA to be approved for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject trees are a non-native species that is quite out-of scale with their surroundings.</li> <li>• They are, in our opinion, rather ugly and detract from the heritage setting.</li> <li>• They will continue to grow to 4 times their current height such that management will become increasingly difficult and expensive.</li> <li>• The green is overcrowded and the subject trees over-shadow and interfere with other trees on the green and the grade II-listed pump shelter.</li> <li>• Felling and replacement of the trees is part of a coordinated improvement to the site.</li> </ul>	<p>Notwithstanding the trees are relatively young, in general good health and highly visible from with the public realm, the particular species and appearance, future height of the trees and location are a concern.</p> <p>There is a positive way in which the removal of the trees can be considered in that the view of the Church will be opened up and visible when approaching the village from all aspects and in particular north/north-east. As too would the evergreen and native trees within the grounds of the church. The potential risk to the Listed Structure nearby has to be taken into account, although there is no evidence to support this at present it is also something that could become an issue in the future with the advanced maturity of the trees.</p>

## 5. ASSESSMENT

### 5.1 Policies & Guidance

#### **Planning Practice Guidance: Tree Preservation Orders and trees in Conservation Areas.**

- 5.2 Local Planning Authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.' A Provisional Order of this nature cannot be confirmed until objection(s) received have been considered.

## 6. CONCLUSION

- 6.1 The reason given for the Provisional TPO was due to representations received and conflicting opinions and interests.
- 6.2 Taking into account the representations received and the comments received from the Arboricultural Officer it is considered that the Tree Preservation Order should not be confirmed. The Arboricultural Officer has stated that whilst the trees are healthy and do have positive amenity value, the request made to fell the trees is not unreasonable, taking account of the tree's anticipated size at maturity and possible impact on the surrounding area. Should the trees be retained at this stage there is potential for the

trees to treble in size and could present an issue of public safety in the future.

6.3 The Parish Council have stated that there is an intention to replant an appropriate replacement tree at the site should the removal of the trees be allowed. However this cannot be conditioned.

6.4 Given the above it is considered that it would not be appropriate to confirm the Provisional TPO.

Contact Officer: S Matthews  
Date: 9<sup>th</sup> May 2018